

1 Greg L. Lippetz (State Bar No. 154228)
 glippetz@jonesday.com
 2 Cora L. Schmid (State Bar No. 237267)
 cschmid@jonesday.com
 3 JONES DAY
 1755 Embarcadero Road
 4 Palo Alto, CA 94303
 Telephone: 650-739-3939
 5 Facsimile: 650-739-3900

David N. Kuhn - State Bar No. 73389
 Attorney-at-Law
 144 Hagar Avenue
 Piedmont, CA 94611
 Telephone: (510) 653-4983
 E-mail: dnkuhn@pacbell.net

Attorney for Plaintiff Gregory Bender

6 Attorneys for Defendant Motorola, Inc.

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11 Gregory Bender,

12 Plaintiff,

13 v.

14 Motorola, Inc.,

15 Defendant.

Case No. C09-01245 SBA (LB)

**STIPULATION AND ORDER
 RESCHEDULING CASE MANAGEMENT
 CONFERENCE**

17
 18 Pursuant to Civil L.R. 16-2(e), Defendant Motorola, Inc. (“Defendant”) and Plaintiff
 19 Gregory Bender (“Plaintiff”) through their respective counsel, hereby request the Court change
 20 the date for the Further Case Management Conference currently scheduled for July 1, 2010, to
 21 August 12, 2010, or anytime thereafter.

22 WHEREAS, pursuant to the Result of Case Management Conference filed in this action
 23 on April 22, 2010, a Further Case Management Conference in this action is scheduled for July 1,
 24 2010, at 3:15 p.m. (Docket No. 37.)

25 WHEREAS, as directed by the Court, on April 27, 2010, Defendant filed a discovery
 26 motion regarding the sufficiency of Plaintiff’s infringement contentions, and noticed the hearing
 27 for this motion for June 15, 2010. (Docket No. 38.)

1 WHEREAS, on June 2, 2010, the Court reset the hearing for the discovery motion
2 regarding the sufficiency of Plaintiff's infringement contentions to August 5, 2010. (Docket No.
3 45.)

4 WHEREAS, Defendant's obligations under Patent L.R. 3-3 and 3-4 and any other
5 obligations to produce technical documents are currently stayed until 45 days after the resolution
6 of the parties' dispute regarding the sufficiency of Plaintiff's infringement contentions. (*See*
7 Docket No. 33.)

8 WHEREAS, the parties agree that the outcome of the pending dispute regarding the
9 sufficiency of Plaintiff's infringement contentions will impact the schedule for this case, which is
10 to be discussed at the Further Case Management Conference.

11 WHEREAS, in the interests of efficiency and of avoiding potentially unnecessary
12 expenses, the parties believe that the Further Case Management Conference that is currently
13 scheduled for July 1, 2010, should be rescheduled to August 12, 2010, or anytime thereafter.

14
15 THE PARTIES HEREBY STIPULATE THAT:

16 The Further Case Management Conference in this action that is currently scheduled for
17 July 1, 2010 at 3:15 p.m., is continued to ***September 22, 2010, at 2:30 p.m. via telephone. The***
18 ***parties shall meet and confer prior to the conference and shall prepare a joint Case***
19 ***Management Conference Statement which shall be filed no later than ten (10) days prior to the***
20 ***Case Management Conference that complies with the Standing Order For All Judges Of The***
21 ***Northern District Of California and the Standing Order of this Court. Plaintiffs shall be***
22 ***responsible for filing the statement as well as for arranging the conference call. All parties***
23 ***shall be on the line and shall call (510) 637-3559 at the above indicated date and time.***

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Respectfully submitted,

Dated: June 21, 2010

Jones Day

By: /s/ Greg L. Lippetz

Greg L. Lippetz
State Bar No. 154228
JONES DAY
Silicon Valley Office
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: 650-739-3939
Facsimile: 650-739-3900

Counsel for Defendant Motorola, Inc.

In accordance with General Order No. 45, Section X(B), the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

Dated: June 21, 2010

By: /s/ David Kuhn

David N. Kuhn
Attorney-at-Law
144 Hagar Avenue
Piedmont, California 94611
Telephone: (510) 653-4983

Counsel for Plaintiff Gregory Bender

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 6/23/10

By: *Saundra B. Armstrong*
THE HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge